

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

RENE F. FERNANDEZ,

Petitioner,

vs.

JAMES GREG COX, et al.,

Respondents.

Case No. 2:13-cv-02158-GMN-VCF

**ORDER**

Multiple motions are before the court. First is respondents' motion for reconsideration (#40) of the court's order (#38) denying respondents' motion to dismiss (#30). Respondents ask for reconsideration of the court's decision that the amended petition is timely. The court will not. Even though the original petition was not signed, Rule 3(b) of the Rules Governing Section 2254 Cases in the United States District Courts requires the clerk of the court to accept such a document for filing. Respondents also ask for reconsideration of the decision that petitioner can proceed with both ground 3 and ground 7 of the amended petition even though the facts of each ground are contradictory. The court will not. The Nevada Supreme Court was able to evaluate both of these claims without falling into an infinite loop of indecision. See Ex. 9, at 3-4. This court is confident it can evaluate the reasonableness of the Nevada Supreme Court's determinations.

Petitioner has filed another motion for appointment of counsel (#35). Nothing would lead the court to depart from its denial of petitioner's earlier motion, and the court denies this motion.

Petitioner has filed a motion to review questions of statutory construction de novo (#42).

This is another attempt to re-litigate the dismissal of ground 6, and the court denies it. To avoid any

1 confusion caused by the filing of the amended petition (#21), which was just to add a signature, the  
2 court will dismiss ground 6 of the amended petition.

3       Petitioner has filed a motion for leave of court to file a motion for discovery (#46).  
4 Petitioner seeks to have copies of the transcripts of proceedings. This is not a matter for discovery.  
5 Rule 5(c) of the Rules Governing Section 2254 Cases in the United States District Courts requires  
6 the respondents to include the transcripts that respondents consider relevant for the disposition of  
7 the petition and to state what other transcripts are available. If the court needs transcripts that  
8 respondents did not provide with their answer, then the court can order respondents to provide those  
9 transcripts.

10       Petitioner has filed two motions to extend prison copywork limit (#36, #39). Administrative  
11 Regulation 722.04(3) provides inmates 5 pages of carbon paper per month. After this order, the  
12 only two documents that need to be filed are respondents' answer to the amended petition and  
13 petitioner's reply to the answer. The allotment of carbon paper should be sufficient for petitioner to  
14 make the necessary copies of the reply to the answer.

15       IT IS THEREFORE ORDERED that petitioner's motion for appointment of counsel (#35) is  
16 **DENIED.**

17       IT IS FURTHER ORDERED that petitioner's motions to extend prison copywork limit  
18 (#36, #39) are **DENIED.**

19       IT IS FURTHER ORDERED that respondents' motion for reconsideration (#40) is  
20 **DENIED.**

21       IT IS FURTHER ORDERED that petitioner's motion to review questions of statutory  
22 construction de novo (#42) is **DENIED.**

23       IT IS FURTHER ORDERED that petitioner's motion for leave of court to file a motion for  
24 discovery (#46) is **DENIED.**

25       IT IS FURTHER ORDERED that ground 6 of the amended petition (#21) is **DISMISSED.**

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1 IT IS FURTHER ORDERED that respondents shall have forty-five (45) days from the date  
2 of entry of this order to file and serve an answer, which shall comply with Rule 5 of the Rules  
3 Governing Section 2254 Cases in the United States District Courts. Petitioner shall have forty-five  
4 (45) days from the date on which the answer is served to file a reply.

5 DATED: March 22, 2016

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Gloria M. Navarro, Chief Judge  
United States District Court